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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,726	01/17/2002	Douglas R. Frederisy	53394.000607	2555

7590

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

13

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/046,726

Applicant(s)

FREDERISY, DOUGLAS R.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22, 24-26, and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22, 24-26, and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

2. Claims 22, 26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobash et al. (5,425,217), hereinafter Lobash. Regarding claim 22, Lobash teaches an air applicator 10 for placing a series of parts into a substrate 32. Lobash also teaches that the air applicator includes a guide plate 18, an open passage 12 having an upstream end and a downstream end opposite the upstream end, and one or more orifices 36 adapted to direct airflow towards the downstream end. Lobash does not expressly teach that the air applicator increases the spacing between successive parts from a first spacing at the upstream end to a second spacing at the downstream end and an increase in the velocity of parts from a first velocity at the upstream end to a second velocity at the downstream end. However, the velocity of the part increases by the airflow of the air jet 36 on the plate 18 in Lobash's air applicator. The spacing between successive parts also changes as the velocity of the parts changes from the upstream of the plate 18, where the parts are cut by the cutting mechanism 58, to the downstream of the plate 18. See Figs. 1-5 and col. 3, lines 20-63 and col. 5, lines 1-68 and col. 6, lines 1-22 in Lobash.

Regarding claim 26, Lobash teaches everything noted above including that the one and more orifices 36 includes angled slots through the guide plate 18. See Fig. 5 and col. 4, lines 48-68 in Lobash.

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Regarding claim 29, Lobash teaches everything noted above including a regulator adapted to control properties of the airflow. A regulator inherently controls the airflow that flows into air jets 36. The air pressure is at 10-15 psi, which inherently is supplied through an air regulator. Consequently, as the air pressure varies by the air regulator the properties of the airflow varies too. See col. 3, lines 42-62 and col. 4, lines 1-31 in Lobash.

3. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobash in view of Ostberg (4,416,312). Regarding claims 24 and 25, Lobash teaches everything noted above except one or more guide pins, which are disposed on the guide plate on either or both sides of the open passage. Lobash teaches two side plates 16 which are disposed on the center plate 18 on both sides of the open passage 12. See Figs. 1-3 and col. 3, lines 20-62 in Lobash. However, Ostberg teaches guide pins 21a, which are disposed on both sides of a guide plat 21. See Fig. 2 and col. 3, lines 5-19 in Ostberg. The guide pins 26a function the same as Lobash's side plates since both keep the trimmed parts within the passage on the guide plate. Therefore, It would have been obvious to a person of ordinary skill in the art to replace side plates of Lobash's air applicator apparatus with the guide pins as taught by Ostberg.

Claim 1 is canceled.

#### *Comments*

4. Applicant's argument that the Examiner stated at Office action that the applicant's election of group VI was without traverses is incorrect. In fact, the Examiner stated at the pervious Office action that "Applicant's election with traverse of VI in paper No. 10 is acknowledged." With respect to applicant's request that the Examiner provide a title and a

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date for the "Paper No. 10," the Paper No. 10 is a reference to the applicant's reply filled on August 26, 2003 in response to Office action (Non-Responsive Election) mailed on 07/29/03.

***Response to Amendment***

5. Applicant's arguments filed on 01/07/04 have been fully considered but they are not persuasive. Regarding claims 22, applicant's assertion that the Lobash does not teach that the air applicator is an external air applicator is incorrect. Applicant's assertion that the Lobash's air applicator is not an external air applicator since a cover 48 covers the channel 14 of Lobash's air applicator is not persuasive. Lobash's air applicator is considered to be an external air applicator, since it is located outside the housing of the hopper 32 and the coupon dispenser 54. The air applicator channel 14 is located outside of the hopper 32 and the coupon dispenser 54 and connects the hopper 32 to the coupon air applicator 54. In addition, the external air applicator is not defined in the specification of the instant application as an air applicator that does not have a cover. Therefore, Lobash's air applicator can be considered as an external air applicator for the reason stated above. Furthermore, the cover 48 is removable and it is the Examiner's position that Lobash's air applicator with or without the cover 48 works the same as the external air applicator in the instant application.

Regarding claim 29, applicant's argument that Labash's air applicator does not inherently have an air regulator is incorrect. The air jets 36 receiving air at a pressure of 10-15 psi. Therefore, Labash's air applicator inherently has a device that regulates the air pressure received by the air jets 36 between 10-15 psi. Any device that does regulate, change, or control the air pressure functions as an air regulator which is adapted to control the properties of the air flow. Therefore, the device, which regulates the air pressure between 10

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psi to 15 psi in Labash's air applicator, is considered to be an air regulator that controls the air flow.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

March 9, 2004



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700